

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LAS VEGAS SANDS CORP.,

Plaintiff(s),

v.

FIRST CAGAYAN LEISURE & RESORT
CORPORATION, et al.,

Defendant(s).

Case No. 2:14-cv-00424-JCM-NJK

ORDER

(Docket No. 62)

Pending before the Court is the parties' proposed discovery plan (which is mislabeled as a joint Rule 26(f) report). Docket No. 62. Because the discovery plan fails to comply with Local Rule 26-1(d) and (e), it is **DENIED** without prejudice.

Discovery plans must "state the date the first defendant answered or otherwise appeared[.]" Local Rule 26-1(e)(1). Local Rule 26-1(e)(1) establishes 180 days, measured from that date, as the presumptively reasonable time in which to complete discovery. Where more than 180 days of discovery are sought, the proposed discovery plan must state on its face, "SPECIAL SCHEDULING REVIEW REQUESTED" and provide an explanation as to why the parties believe additional time is required. Local Rule 26-1(d).

The parties' proposed discovery plan first runs afoul of Rule 26-1(e) by failing to state when the first Defendant answered or appeared. *See* Docket No. 62 at 3. Second, and more importantly, the parties state that they only request a discovery period of 180 days. *See id.* (providing that the parties seek a discovery period of 180 days in compliance with Local Rule 26-1(e)). The parties, however,

1 failed to “measure[] from the date the first defendant appeared.” Local Rule 26-1(e)(1). As a result,
2 the parties erred in calculating the discovery date and request a period longer than 180 days. Therefore,
3 Local Rule 26-1(e)(1) requires them to seek special scheduling review, and Local Rule 26-1(d) requires
4 them to include a statement of reasons justifying the longer discovery period. The parties failed to do
5 either.

6 Further, in contrast to Plaintiff’s position, pending dispositive motions do not automatically stay
7 discovery. *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). Unless otherwise
8 ordered, the parties are expected to discharge their duty to diligently conduct discovery.

9 Accordingly, the proposed discovery plan is hereby **DENIED** without prejudice. The parties
10 shall file a new joint proposed discovery plan that complies in full with Local Rule 26-1, no later than
11 April 13, 2016.

12 IT IS SO ORDERED.

13 DATED: April 8, 2016.

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15 NANCY J. KOPPE
16 United States Magistrate Judge
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